

Update: Juvenile Justice Benchbook (Revised Edition)

CHAPTER 23

Selected Issues Regarding Imposition of Adult Sentence

23.4 Alternative Sentences for Major Controlled Substance Offenses

On page 475, in the subsection beginning “**Legislation effective March 1, 2003,**” insert the following text after the dashed item describing MCL 333.7401(2)(a)(iii):

Note: The Court of Appeals has held that a defendant sentenced to a mandatory minimum term of ten years’ imprisonment under MCL 333.7401(2)(a)(iii) for an offense committed prior to March 1, 2003 is not entitled to resentencing under the amended version of that statute. *People v Thomas*, ___ Mich App ___, ___ (2004). The court found no language in amended MCL 333.7401(2)(a)(iii) that suggested the Legislature intended its amendment to operate retroactively. *Id.*